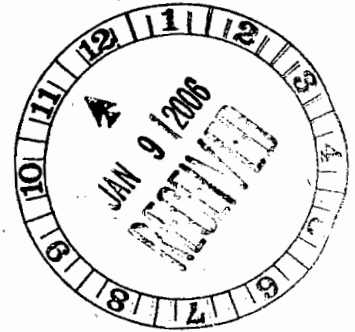




UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 10

1200 Sixth Avenue
Seattle, WA 98101AEI-1875
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January 3, 2006

Reply To
Attn Of: ORC-158Surface Transportation Board
Section of Environmental Analysis
Washington, D.C. 20423-0001Re: STB Docket No. AB-600 (sub-no. 1X) - Yakima Interurban Lines Association
Abandonment Exemption

Ladies and Gentlemen:

The U.S. Environmental Protection Agency (EPA) has received and reviewed a notice and information dated 6 December 2005 provided to multiple agencies and parties in connection with the abandonment proceeding referenced above. In particular, the notice attached an Environmental Report and Historic Report prepared in support of an anticipated petition for abandonment of a railroad line of approximately 11 miles within Yakima County, Washington. At this time, EPA is unaware of any specific inaccuracies contained within this Environmental Report. However, based on our review of the report and other provided materials, we nonetheless provide the following comments in order to identify two potential environmental concerns related to any prospective railroad abandonment activity.

1. Lead Paint. Exposure to lead from lead-based paint has been seen as a potentially serious threat to human health within the United States. One source of lead-based paint that EPA has identified are historic buildings and structures, including railroad bridges such as the Naches River Bridge, No. 4.1, located within the railroad segment proposed for this abandonment proceeding. According to the 1999 inspection report included within the materials provided, the Naches River Bridge is believed to have been constructed as early as the 1950s, within the era when lead-based paint was commonly used. The inspection report, from six years ago, noted the need for spot cleaning and painting of the bridge "within 7 to 10 years" (i.e., now one to four years) and that a "more extensive painting project" would likely be required within a longer time frame. Given the possibility of lead-based paint on this bridge, care should be taken in any spot cleaning or "more extensive painting project" to protect worker health and avoid releases of toxic materials to the Naches River or other ambient media, in accord with the federal Clean Water Act, Toxic Substances Control Act, and other applicable federal, state, or local requirements.

2. Storm Water Discharges. The Environmental Report contends (p. 6) that "the proposed action will not entail any construction resulting in off-rail roadbed disturbance" and that "[n]o designated wetlands or 100 year flood-plains will be affected." The Report therefore concludes that no permits under Clean Water Act sections 402 or 404 should be required.

Potentially contrary to assumptions in the Environmental Report, it is evident from the materials provided that segments of the rail line proposed for abandonment run directly adjacent to the Naches River. The rail-line even crosses the river at the Naches River Bridge. Beyond the railbed itself, the railroad corridor is reported to average 75 feet (p. 7), a width that may actually extend into the Naches River in places and almost certainly includes jurisdictional wetlands along the river.

Notwithstanding this presence of jurisdictional wetlands, if the proposed action merely entails the railbanking and transfer of the railroad right-of-way to a third party, EPA agrees that no permits under the Clean Water Act should be required. If, however, the proposed action also entails railroad salvage activities, such as the removal of ties and tracks for trail construction or repair or replacement of track materials for reactivation of rail services, then Clean Water Act requirements may be implicated. In particular, if salvage activities involve clearing, grading or excavating that will disturb more than one acre of land, such activities must comply with requirements for obtaining a permit under the Clean Water Act National Pollutant Discharge Elimination System (NPDES) to prevent or minimize the discharge of pollutants in storm water runoff from the disturbed areas to waters of the United States.

In the State of Washington, the Department of Ecology (WDOE) is authorized to administer the NPDES program and in particular to issue permits for regulating storm water runoff. To apply for such a permit, if necessary for the proposed action, information may be found on-line at <http://www.ecy.wa.gov/programs/wq/stormwater/construction>

The permit, commonly known as the Construction Storm Water General Permit, requires the development and implementation of a project-specific Storm Water Pollution Prevention Plan. This plan must describe all appropriate erosion, sediment and construction waste Best Management Practices to be used during the active construction phase, including maintenance and self-inspection requirements, that will prevent the discharge of pollutants to waters of the United States via runoff from the construction sites. Upon development of the SWPPP, operators must submit a Notice of Intent application form to Department of Ecology prior to the start of the construction, and submit a Notice of Termination to end permit coverage upon final stabilization of all disturbed areas. More information about the WDOE Construction Storm Water General Permit process can be obtained through the WDOE website or by contacting Joyce Smith at (360) 407-6858.

If you or your staff have any general questions for EPA about storm water permitting requirements, please contact Misha Vakoc, Storm Water Program Coordinator, at (206) 553-6650 or vakoc.misha@epa.gov. Legal questions may be directed to me at (206) 553-1185.

Sincerely,



Clifford J. Villa
Assistant Regional Counsel

cc: Charles Montange, Esq.
counsel for YILA